

CALIFORNIA COASTAL COMMISSION

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September 28, 2000

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**FISH AND WILDLIFE
SERVICE**

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VENTURA, CA**

Subject: Coastal Commission Staff Comments on Notice of Intent to Prepare a Supplemental EIS Pertaining to the Translocation of Southern Sea Otters

Dear Mr. Sanders:

Coastal Commission staff has reviewed the U.S. Fish and Wildlife Service's ("USFWS") Federal Register Notice of Intent ("NOI") to Prepare a Supplement to a Final Environmental Impact Statement ("Supplemental EIS") Pertaining to the Translocation of Southern Sea Otters (July 27, 2000) and offer the following comments for your consideration.

GENERAL COMMENTS

1. We encourage the USFWS to continue to pursue a thorough investigation of the probable causes of overall California sea otter population decline and failure of the San Nicolas translocated sea otter colony so as to provide information critical to the preparation of a useful Supplemental EIS and evaluation of sea otter management alternatives.
2. We note that some alternatives proposed in the NOI are not necessarily mutually exclusive (*e.g.*, Alternative 5 can and perhaps should be considered in the Supplemental EIS in combination with any of the other alternatives).
3. The USFWS may accept an alternative that continues some form of sea otter containment. Therefore, a process for developing "containment failure" criteria should be developed as part of this Supplemental EIS. Containment failure criteria should include, but not necessarily be limited to, the following:
 - Definition of a "successful" containment program that includes:
 - Definition of "acceptable" losses of otters incidental to containment, both of otters being moved from a containment zone, and of those in the "host" zone;
 - Definition of limits to annual cost (to participating agencies) of the program; verify costs through independent audit;

- Identification of source of adequate and consistent funding to sustain a containment program;
 - Determination of what proportion of otters from a containment zone must be captured to consider containment “successful”;
 - Determination of unacceptable rate of return of relocated otters back to a containment zone; and
 - Determination of human health and safety risks or accidents that would force abandonment of the containment program.
- Definition of regular evaluation checkpoint intervals within any renewed containment program.
 - Definition of the mechanism for emergency temporary suspension of the program.
 - Definition of the mechanism for complete termination of the program.
4. One of the Commission staff’s primary concerns is the continuing risk of oil spills in sea otter habitat and the subsequent catastrophic effect such an event might have on the sea otter population. Numerous proposals for new offshore oil exploration and production in the general vicinity of the sea otter’s habitat imply increased future risk of oil spills, and this risk should be considered in evaluating the proposed alternatives in the Supplemental EIS.

SPECIFIC COMMENTS ON PROPOSED ALTERNATIVES

5. Under Alternative 1, please define levels of “acceptable” sea otter mortality incidental to containment efforts, and distinguish between this and the level of mortality that causes jeopardy to the recovery of the species.
6. Under Alternative 2, the NOI states, “...the translocation program would generally be considered to have failed if one or more of five criteria are met.” It is not clear what additional information will be used by the USFWS in making this determination that they do not now have. If additional information is needed, then this alternative should articulate those additional information needs.
7. Under Alternative 2, please define what constitutes “...reasonable efforts to remove all sea otters ...in the management zone....” As an alternative to providing that definition within this NOI, provide an indication of the process, decision-making entities and timeline to be used in making that determination.
9. In considering Alternative 4, the Supplemental EIS should evaluate the following:

- Issues related to southern California oil and gas leases and operations (*e.g.*, impacts of these activities on sea otters and impacts of the proposed sea otter recovery and management alternatives on these activities);
 - Water quality (particularly whether impaired waters along mainland southern California could even support a healthy sea otter population);
 - Shellfish resources (as prey base for an expanded sea otter population, and in terms of impacts of sea otters to the southern California commercial shellfish fisheries), and;
 - Potential impacts to resources if all management zones are eliminated and otters are also allowed to expand north along the mainland or to the other Channel Islands.
10. It is not clear why the USFWS would only consider gear modifications and/or fishing restrictions at San Nicolas Island, if they might also be beneficial to sea otter recovery if implemented along areas of the sea otter mainland habitat. If sea otter containment is ultimately abandoned, then the evaluation should also extend to San Miguel Island and any other of the Channel Islands supporting a consistent (even if low) sea otter presence.

We appreciate the opportunity to comment on the NOI. If you have any questions about these comments, please call Ellen Faurot-Daniels at 415/904-5285 or myself at 415/904-5205.

Sincerely,



ALISON J. DETTMER
Coastal Program Manager
Energy and Ocean Resources Unit